

Appl. No. 10/045,346
Amdt. Dated June 20, 2005
Reply to Office action of May 20, 2005

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Remarks/Arguments

Claims 1, 5, 8, 17, 19, and 22 have been amended to correct minor errors therein and to improve their form.

Applicants note with appreciation that the Examiner has abandoned her reliance on the prior art cited in the numerous prior Office Actions in this application. Instead the Examiner is now relying on Emery et al patent 5,664,005 (hereinafter Emery) as her primary reference for her assertion that "Emery teaches a system for enabling a telephone subscriber to switch an on going telephone call between wireline services provided through a central office in the public switched telephone network and cellular services provided by a mobile switching center in a cellular network, the subscriber wireline and cellular telephone being assigned different telephone numbers." Such, however, is absolutely untrue, as discussed below, and Emery is an example of another prior art reference discussing changing the routing of calls but not disclosing, teaching, mentioning, or in any way even hinting at the transfer of an existing established telephone call.

How does Emery right at the beginning of the patent characterize the Emery invention? "The present invention relates to a personal communication service allowing a user to send and receive calls from a single portable handset using a single assigned number whether at home or roaming." (column 1, line 10-14) What does Emery state in the Summary of invention? "This centralized call processing control can provide call *routing* to either a land line or a wireless unit via a mobility controller, in response to calls directed to a single number." (column 7, lines 62-64) Further Emery states that his system "allows the subscriber to design call screening procedures to selectively *route* certain calls to other termination points, such as a voice mail box" (column 8, lines 37-38), and "to specify points to *route* calls to if the line and/or mobile communication unit are busy, for example to a different station such as might be assigned to a secretary." (column 8, lines 45-48). Even in discussing the roaming situation, Emery states " Since the location of the roaming mobile user is always known in the ISCP, more efficient call *routing* can be performed, and a roaming user can always be reached by a party having access to the system of the present invention through a telephone network." (column 19, lines 60-65) See also the references to *routing* at column 22, line 34 and column 24, line 21.

The Examiner's attention is also directed to the example of the operation of Emery set forth at column 26, line 46 et seq, ending with "The ISCP forwards the *routing* information to the home normal terminating SSP which uses that information to *route* the call to the visited region."

All of these repeated references show Emery as being concerned with routing of calls and not with transfer of an existing telephone call. If the Examiner nevertheless persists in this rejection, she is specifically requested to indicate where in Emery there any mention of the term "call transfer" or any disclosure or teaching in any way related to

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such transfer of an existing telephone call between two telephones having different assigned numbers. Applicants have not been able to find such in the sections of the patent identified by the Examiner or any where else in the Emery specification.

In rejecting applicants' claims, the Examiner has referred to specific sections of the Emery patent. A reading of those sections, however, clearly shows that they do not support the Examiner's erroneous assertions. For example, in rejecting claim 1, the Examiner has asserted that the identified sections disclose that the subscriber wireline and cellular telephones are assigned different telephone numbers, referring to column 7, lines 35-67. However at column 7, lines 49-51, Emery clearly states "one more specific objects is to provide calls to a person whether that person is at home or away from home using a single telephone number assigned to that person". Column 12, lines 63- column 13, line 9 relate to call "handoff and to exchange of data for extending services to visiting subscribers of distant cellular systems." Hand off during a wireless call in progress is a well known and much used procedure and is completely irrelevant to applicants' invention which is not a "handoff" operation.

Emery at column 8, line 35-column 9, line 15, does not disclose a monitor circuit responsive to a unique signal during an on going telephone call for effecting a transfer of that call but, as noted above, describes call routing to either a wireline or wireless unit in response to calls directed to a single assigned number(column 8, lines 29-30). The Emery system allows for a prompt to ask the "callers if they are willing to pay for toll charges through long distance lines or for air time to complete the call only if the caller dialed digits indicating assent". Applicants find it hard to believe that this signal from a calling party in relation to accepting charges due to a change in routing is what the Examiner equates to applicants' called party, on an established call, signaling that a transfer of the established call is desired.

Nor does Emery, at column 5, lines 39-55, have any reference to a switch means responsive to the monitor circuit for effecting that transfer of an on going telephone call.

It is an aspect of one embodiment of applicants' invention, as recited in applicants' dependent claims 22 and 23, that the subscriber entitled to transfer calls between a wireline and a cellular telephone, each having a distinct telephone number, also have assigned to that subscriber a third telephone number for calls that can be transferred during the existence of a telephone call. Applicants completely fail to see any such teaching, disclosure, or reference to such a third telephone number at the material at column 7, line 35-column 8, line 28 and column 12, line 63 to column 13, line 9 cited by the Examiner. Since the Emery invention is directed to routing calls where there is only a single telephone number assigned to two different subscriber telephones, applicants do not understand how the Examiner sees in Emery not only two but three numbers assigned to a single subscriber.

The Examiner has also, with respect to claims 5-8 and 23, referred to secondary references Brachman et al 6,374,102 (hereinafter Brachman) and Schellinger et al patent 6,052,592 (hereinafter Schellinger). Brachman describes a completely different type of

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call transfer requiring the dialing of the telephone number to which the call is to be transferred, and Schellinger, which was not applied by the Examiner in the Office Action being responded to, is directed to, as its title indicates, call routing. These references do not overcome the deficiencies of Emery, as discussed above.

In rejecting claim 14, which recites applicants' fixed cellular mobility agent 210 in the combination of their invention, the Examiner has cited columns 25 and 26 of Emery. Applicants do not understand whether the Examiner considers the Emery Integrated Service Control Point (ISCP), the Service Switching Point (SSP) or some other element described therein to be equivalent to applicants' fixed cellular mobility agent. Applicants respectfully request the Examiner to explain what element described in these columns she is referring to as a fixed cellular mobility agent.

Accordingly, applicants submit that claims 1-3, 5-8, 10-14, 16-20, and 22-23 are clearly patentable, and their reconsideration and allowance and passage of this application to issue are requested.

Respectfully submitted,

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